

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Tr. Application No.125/87.

Shri Rangrao Vithal Padalkar,
At & Post - Kasarwada,
T.Radhanagari,
District - Kolhapur.

...Applicant.

V/s.

1. The Senior Superintendent of
Post Offices, Kolhapur
Division, Opposite R.T.O. Office,
Kolhapur.
2. The Director of Postal Services,
Pune Region,
Pune 411 001.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Tribunal's Order:


Dated: 12.9.1988

The proceeding which was numbered as Unfair Labour Practice No.91/1983 on the file of the Presiding Judge, Labour Court, Kolhapur is transferred to this Tribunal for decision and is numbered as Tr. Application No.125/1987.

2. A question arises as to whether this Tribunal will have jurisdiction to decide the controversy that has been raised in the said U.L.P. No.91/83. We have heard Mr.Walia for the applicant and Mr.S.R.Atre (for Mr.P.M.Pradhan) for the respondents. In our opinion, this Tribunal will have no jurisdiction to entertain the grievance of the applicant that has been raised in the said Unfair Labour Practice proceeding. Our reasons are as follows.

3. The Maharashtra Legislature has enacted The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short MRTU and PULP Act). Section 7 of the Act provides that it shall be the duty of the Labour Court to decide complaints relating to Unfair Labour Practice as described in Schedule.IV thereof and to try offences punishable under the Act. An aggrieved person is required to file an application within prescribed time. This is provided by Sec.28. The Labour Court, in a given case, has a power to

...2.



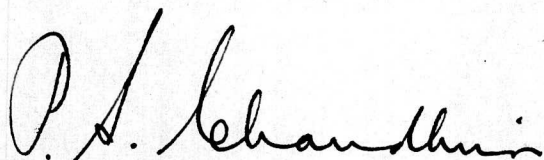
order an investigation of the said complaint at the hands of an Investigating Officer. Thereafter the matter is heard. Sec.48 states that failure to comply with the order of the Labour Court would be punishable with imprisonment which may extend to 3 months or with a fine which may extend to Rs.5,000/-, it is this type of proceeding that was filed by the applicant under Sec.28 before the Labour Court. The question is as to whether this Tribunal will be able to entertain and decide the said complaint. Schedule IV of the Act enumerates a number of Unfair Labour Practices on the part of the employers. Item No.1 contemplates termination of service by way of victimisation or in a mala fide manner or on patently false reasons. There are certain circumstances which would make such termination as commission of Unfair Labour Practice. However, we need not give all those circumstances. Item Nos.2 to 10 deal with other types of Unfair Labour Practices unconnected with a termination of service.

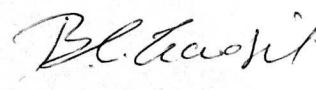
4. Mr.Walia contended that, in substance, the applicant is making a grievance that his termination is illegal and that therefore, that grievance would be a service matter and as such would be within our jurisdiction. In our opinion, this will be a simplification of the issue. What is required to be decided is as to whether the respondents have committed an Unfair Labour Practice under the Act. The jurisdiction in that respect is vested in the Labour Court. Non-compliance with the order passed by the Labour Court constitutes an offence and the said Labour Court has a jurisdiction to punish the offender. In our opinion, it will not be possible for us to accept the contention of Mr.Walia that we should entertain such type of dispute and adjudicate upon it.

6. The dispute covered in this proceeding has to be decided by the Labour Court under the MRTU and PULP Act, 1971. Consequently, the matter will have to go back to the Labour Court. Hence we pass the following Order.

ORDER

The records and proceedings of U.L.P.No.91/1983 are transferred to the Presiding Judge, Labour Court, Kolhapur. The office to remit the said records and proceedings along with a copy of this order. The original order should be retained in this office.


(P.S. CHAUDHURI)
MEMBER (A)


(B.C. GADGIL)
VICE-CHAIRMAN